

**DECLARATION AND POWER OF ATTORNEY**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CAPITAL MARKET INDEX**

the specification of which:

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as application Serial No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Number)	(Country)	(Day, Month, Year)		
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Number)	(Country)	(Day, Month, Year)		

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/109,410	November 20, 1998	N/A
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)

I hereby appoint Mark R. Wisner, Registration No. 30,603, and Malcolm H. Skolnick, Registration No. 33,788, all members of the firm of Wisner & Associates, 2925 Briarpark, Suite 930, Houston, Texas 77042, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I hereby direct that all correspondence and telephone calls be addressed to Mark R. Wisner, c/o Wisner & Associates, 2925 Briarpark, Suite 930, Houston, Texas 77042, (713) 785-0555.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize that validity of the application or any patent issued thereon.

FULL NAME OF THE INVENTOR: Warren F. Schmalenberger

SOLE INVENTOR'S SIGNATURE: *Warren F. Schmalenberger*

RESIDENCE ADDRESS: 170 Warrenton Drive

Houston, TX 77027

POST OFFICE ADDRESS: 170 Warrenton Drive

Houston, TX 77027

CITIZENSHIP: United States of America

DATE: November 18 1999 *W/S*

ADDITIONAL JOINT INVENTOR(S) LISTED ON ATTACHED SHEET? ☐ Yes ☒ No

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Warren F. Schmalenberger

Serial No.: Unknown

Filed: Herewith

Titled: **CAPITAL MARKET  
INDEX**

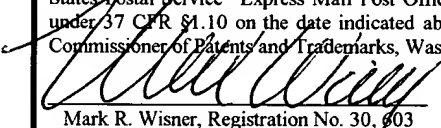
§ Atty. Docket No.: SCHC,002  
§  
§  
§ Examiner: Unknown  
§  
§ Group Art Unit: Unknown  
§  
§

COMMISSIONER OF PATENTS  
AND TRADEMARKS  
WASHINGTON, D.C. 20231

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Express Mail Number: EK174108634US  
Date of Deposit: November 18, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
Mark R. Wisner, Registration No. 30,803

November 18, 1999  
Date of Signature

**VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) and 1.27(c))  
SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Dorchester Capital Management Co.  
ADDRESS OF CONCERN: 170 Warrenton Drive  
Houston, TX 77027

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.1301 *et seq.* for purposes of paying reduced fees under 35 U.S.C. §§41(a) and 41(b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **CAPITAL MARKET INDEX** by inventor Warren F. Schmalenberger described in the specification filed herewith.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

FULL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ INDIVIDUAL  
☐ SMALL BUSINESS CONCERN  
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: November 19, 1999

Signature: \_\_\_\_\_

*Warren F. Schmalenberger*  
Warren F. Schmalenberger, President  
Dorchester Capital Management Co.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Atty. Docket No.:	SCHC,002
Warren F. Schmalenberger	§		
	§		
Serial No.: Unknown	§		
	§	Examiner:	Unknown
Filed: Herewith	§		
	§		
Titled: CAPITAL MARKET INDEX	§	Group Art Unit:	Unknown
	§		
	§		

COMMISSIONER OF PATENTS  
AND TRADEMARKS  
WASHINGTON, D.C. 20231

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Mark R. Wisner, Registration No. 30,603

November 18, 1999  
Date of Signature

**VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) and 1.27(b))  
INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b) to the Patent and Trademark Office with regard to the invention entitled **CAPITAL MARKET INDEX** described in the specification filed herewith.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d), or to a nonprofit organization under 37 C.F.R. §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

FULL NAME: Dorchester Capital Management Co.  
ADDRESS: 170 Warrenton Drive  
Houston, TX 77027

- ☐ INDIVIDUAL  
☒ SMALL BUSINESS CONCERN  
☐ NONPROFIT ORGANIZATION

[illegible]

Signature:

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